

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

SHIRLEY KAYTE BURGESS

Debtor

CASE NO: 19-01615-JW

(CHAPTER 13)

**NOTICE OF MOTION TO DISMISS CHAPTER 13 CASE AND POSSIBLE HEARING**

James M. Wyman, the Chapter 13 Trustee, has filed papers with the court to dismiss this Chapter 13 case .

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to dismiss this Chapter 13 case , or if you want the court to consider your views on the motion to dismiss, then on or before twenty-one (21) days from the date of service, you or your attorney must:

File with the court a written response explaining your position at:

U.S. Bankruptcy Courthouse  
J. Bratton Davis  
1100 Laurel Street  
Columbia, SC 29201-2423

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also send a copy to:

James M. Wyman  
Office of the Chapter 13 Trustee  
P.O. Box 997  
Mt. Pleasant, SC 29465-0997

If a response is filed, a hearing will be held on October 17, 2019 at 10:00 am at 145 King Street, Room 225, Charleston, SC 29401.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Dated: September 13, 2019

/s/ Kimberly Lamontagne

PO Box 997  
Mt. Pleasant, SC 29465-0997  
Phone: (843) 388-9844  
Fax: (843) 388-9877  
Email: 13office@charleston13.com

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

SHIRLEY KAYTE BURGESS

Debtor

CASE NO: 19-01615-JW

(CHAPTER 13)

TRUSTEE'S MOTION TO DISMISS CHAPTER 13 CASE FOR  
NON-PAYMENT

NOW COMES the Chapter 13 Trustee in this case and alleges:

1. This court has jurisdiction over this matter under 28 U.S.C. Section 1334 and 11 U.S.C. Section 1307(c)(5).
2. The Debtor in this case has not made the required payments under the plan .
3. Debtor is/are past due **\$2,791.00** as of **August 2019**. The Trustee requests that the Debtor cure the delinquency as follows:

Payments as follows to be received by the Trustee by the end of the following months:

September 2019	at \$1,097.00
October 2019	at \$1,604.00
November 2019	at \$1,604.00
December 2019	at \$1,604.00
January 2020	at \$1,604.00
February 2020	at \$1,604.00
March 2020	at \$1,604.00

Resume regular monthly payments of \$1,097.00 beginning **April 20, 2020**.

4. If the Debtor is currently or in the process of having Trustee payments automatically debited from a paycheck, **ONLY** the Debtor(s) regular monthly payment can be deducted. Debtor are responsible for sending in the **EXTRA** payments needed to bring the case current.
5. The Trustee requests that should the Debtor fail to cure the delinquency as set forth above , that an order be entered dismissing the case.

Dated: September 13, 2019

/s/ James M. Wyman

James M. Wyman  
Chapter 13 Trustee  
PO Box 997  
Mt. Pleasant, SC 29465-0997  
Phone: (843) 388-9844  
Fax: (843) 388-9877  
Email: 13office@charleston13.com

19-01615-JW

**CERTIFICATE OF SERVICE**

I did this date serve the attached document(s) on the parties listed below by placing the same in the United States mail with proper postage affixed thereto and addressed as follows :

SHIRLEY KAYTE BURGESS  
5288 SEABOARD ROAD  
SALTERS, SC 29590

WILLIAM JOSEPH BARR  
108 NORTH ACADEMY ST  
KINGSTREE, SC 29556-0000

Date: September 13, 2019

/s/ Kimberly Lamontagne

Kimberly Lamontagne

PO Box 997

Mt. Pleasant, SC 29465-0997

Phone: (843) 388-9844 x 302

Fax: (843) 388-9877

Email: 13office@charleston13.com